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John E. Hunt and others

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H.R. Rep. No. 51, 27th Cong., 2nd Sess. (1842)

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JOHN E. HUNT AND OTHERS.

[To accompany bill H. R. No. 86.]

FEBRUARY 9, 1842.

Mr. COWEN, from the Committee of Claims, submitted the following

REPORT :

*The Committee of Claims, to whom was referred the petition of John E. Hunt and others, report :*

That the petitioners pray for an act of Congress to authorize the acceptance and payment of an order, signed by the chiefs, headmen, and warriors of the Ottawa tribe of Indians, out of moneys due, or to become due to the tribe, from the United States.

This order, dated Ottawa Indian Reserve, Osage river, September 2, 1839, and signed by nineteen of the chiefs, headmen, and warriors of that tribe, is before the committee, and will be printed with this report.

The order states the amount due to each of the claimants, respectively ; that the claims are just ; and requests the Government to pay them.

These debts were contracted while the Ottawas resided on the Miami of Lake Erie. In 1837, when a part of the tribe were about to remove west of the Mississippi, under the direction of Colonel John McElvane, these claims were presented to the debtors, and payment demanded. The debtors not being able to make payment, a council of the chiefs, headmen, and warriors, was held in the presence of Colonel McElvane, for the purpose of investigating claims against the Indians. These claims were there examined and allowed, and the Government was then requested to pay them. It was supposed, by those interested, that the existing laws authorized their payment. It having been ascertained that no officer of Government is empowered to pay these claims upon the order of the chiefs, headmen, and warriors of the tribe, this application has been made to Congress.

Ought Congress to authorize the payment of these debts, as requested ? Government have funds of the Ottawas with which to pay them. Were the drawers of this order authorized to appropriate this fund to such uses ? The chiefs, headmen, and warriors of the Ottawa tribe of Indians represent the tribe, and act for them, in treating with the United States. The treaty by which the United States became indebted to the Ottawas for their lands on the Miami of Lake Erie, was made with their chiefs, headmen, and warriors, on their behalf. The title of the United States to the lands ceded in that treaty depends upon the authority of the chiefs, headmen, and warriors, by their acts, to bind the tribe.

The character of the Indian, and the relation of our Government to the Ottawas, may impose upon the United States the duty of guarding them

against all injustice and fraud. This, if admitted, would justify and require a strict scrutiny of the proceedings by which this order was procured.

The investigation in 1837, on the Miami, was in the presence of Colonel McElvane. It is not even intimated in his letters to the Commissioner of Indian Affairs, or in any other way, that any undue means were used to influence the decision of the council. It is true that the claimants were opposing obstacles to the removal of their debtors, and the council may have been influenced, to some extent, by a desire to get rid of all difficulty from that cause; but in 1839, at their residence beyond the Mississippi, out of the vicinity of the claimants, where they could have nothing to hope from their friendship, or fear from their enmity, the council must have acted freely.

The committee believe the claims of the petitioners against the Indians to be just; they consider the chiefs, headmen, and warriors of the Ottawas authorized to appropriate the moneys due from the Government to their tribe; and therefore report a bill for the relief of the claimants.

#### OTTOWA INDIAN RESERVE,

*Osage river, September 2, 1839.*

Whereas we, the chiefs, headmen, and warriors of the Ottawa tribe of Indians, formerly residing on the Miami of Lake Erie, and now residing on the lands assigned to us west of the Mississippi, in council assembled, being desirous that all the debts due from us to our friends and traders on the said Miami of Lake Erie should be liquidated; and we, the said band, having complied with the wishes of our great father, the President of the United States, in removing here, according to stipulations made and concluded with James B. Gardiner, August 30, 1831; and in compliance with promises made to those who emigrated in 1837, and those of us who have now emigrated in 1839, in a talk held with Henry R. Schoolcraft, United States agent, and interpreted to us by Henry Connor, his interpreter, in the spring of 1837, that our great father, the President of the United States, should pay, or cause to be paid, before our removal, all just claims against us; but having understood there has been no provision made for the payment of our said debts, as we are unwilling to have our friends suffer for our wants, which they were always ready to relieve, we have to request, as a special favor, that these debts may be paid out of our usual annual annuity, or out of the five per centum annuity stipulated to be paid us by the twelfth article of the treaty made and concluded on the 30th day of August, 1831, or out of the sum of eighteen thousand dollars, that may not be otherwise appropriated, stipulated to be paid us by the third article of the treaty made and concluded at Maumee, on the 18th day of February, 1833.

In consideration of the promises made to us by the said Henry R. Schoolcraft, as referred to, and other stipulations in connexion therewith, we, the said band, have removed to the lands assigned to us by our great father, the President of the United States, as was his wish.

And we, the said chiefs, headmen, and warriors of the Ottawa tribe of Indians, do specially request and confidently trust that our great father, the President of the United States, or Congress, will, in consequence of the long indulgence shown by those of our friends and traders having claims against us, and herein named, which we acknowledge to be just and true, pay,

or cause to be paid, the several sums hereunto annexed, as soon as practicable; for which we will ever pray. The following is a list of the claims, which, on our behalf, we are willing to allow and wish paid:

To Forsyth & Hull	-	-	-	-	-	\$1,455 38
R. A. Forsyth, for himself and others	-	-	-	-	-	2,529 00
Elisha Mack	-	-	-	-	-	84 57
Isaac Hull	-	-	-	-	-	195 00
James H. Forsyth	-	-	-	-	-	935 48
B. F. Hollister	-	-	-	-	-	50 00
James Wilkison	-	-	-	-	-	35 00
John E. Hunt	-	-	-	-	-	2,018 35
						<hr/>
						<u>\$7,302 78</u>

Oquainoxe,	his x mark.	Artaishnaiwau, deceased,	
Autokee,	his x mark.	(per his son Pautie,) his x mark.	
Petonoquette,	his x mark.	Pautie,	his x mark.
Noteno,	his x mark.	Pamauchawonk,	his x mark.
Wasauinsa,	his x mark.	Wasien,	his x mark.
Naubequan,	his x mark.	Aushosa,	his x mark.
Nebiniosh,	his x mark.	Wausionoquette,	his x mark.
Mesaaukee,	his x mark.	Peshekees,	his x mark.
Osage,	his x mark.	Wawishgua,	his x mark.
Cumchaw,	his x mark.	Machewa,	his x mark.

In presence of—

WILLIAM McNABB, *Interpreter.*

WM. J. FROST.

D. C. FORSYTH.